Paper No. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte SHINICHI IKEDA

Appeal No. 2002-1831
Application No. 08/841,320

HEARD: FEBRUARY 13, 2003

Before COHEN, STAAB, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3 through 5, 7, 10, and 11. These claims constitute all of the claims remaining in the application.

Appellant's invention pertains to an automobile assembly line provided apart from a main long automobile body transferring line for training an operator in processes related to assembling auto-parts and to an automobile transferring system provided apart from a main long automobile body transferring line for

training an operator in processes related to assembling auto-parts. A basic understanding of the invention can be derived from a reading of exemplary claims 1 and 7, respective copies of which appear in the APPENDIX to the main brief (Paper No. 29).

As evidence of anticipation and obviousness, the examiner has applied the documents listed below:

Nokajima et al. (Nokajima)	4,937,929	Jul. 3, 1990
Yamamoto et al. (Yamamoto)	5,319,840	Jun. 14, 1994

The following rejections are before us for review.[1]

Claims 1, 3, 5, 7, 10, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nokajima.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nokajima in view of Yamamoto.

[1] In the answer (page 2), the examiner points out that a rejection of claims 11 and 12 (sic, claims 10 and 11) under 35 U.S.C. § 112, first paragraph, and a rejection of claims 1, 3, 5, 7, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Nokajima in view of Yamamoto, have each been withdrawn.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 30), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 29 and 31).

In the main brief (page 7), appellant indicates that (1) claims 1, 3, and 5 stand or fall together, (2) claim 4 is separately patentable, (3) claim 7 is separately patentable, and (4) claims 10 and 11 stand or fall together. Accordingly, we select claims 1, 4, 7, and 10 for review below, with the remaining claims in respective claim groupings standing or falling with the selected claim of the group.

OPINION

In reaching our conclusion on the anticipation and obviousness issues raised in this appeal, this panel of the Board has carefully considered appellant's specification and claims, the applied teachings,[2] and the respective viewpoints of

[2] In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966).

(continued...)

appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Anticipation

We sustain the rejection of claims 1, 7, and 10 under 35 U.S.C. § 102(b) as being anticipated by Nokajima, and likewise the rejection of claims 3, 5, and 11 since these latter claims stand or fall with the former claims as earlier indicated.

Anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or under principles of inherency, each and every element of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440,

[2](...continued)
Additionally, this panel of the Board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

1444, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the law of anticipation does not require that the reference teach specifically what an appellant has disclosed and is claiming but only that the claims on appeal "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Claims 1 and 7

Independent claim 1 addresses an automobile assembly line provided apart from a main long automobile body transferring line for training an operator in processes related to assembling auto-parts comprising, inter alia a first closed loop line carrying a plurality of transferring carriages, a second closed loop line carrying a plurality of suspension frames, and transferring means to transfer an automobile body from one transferring carriage to one suspension frame.

Independent claim 7 sets forth an automobile transferring system provided apart from a main long automobile body

transferring line for training an operator in processes related to assembling auto-parts comprising, inter alia a first transferring loop line guiding a plurality of transferring carriages, a second transferring loop line guiding units of the suspension frames transferring means, and transferring means for transferring an automobile body between the first and second loops.[3]

A reading of the overall Nokajima reference reveals to us that claims 1 and 7 are anticipated thereby. In particular, the vehicle body assembling line Li (automobile assembly line) of Nokajima (Fig. 10) is understood as being apart from a vehicle body Bo transporting overhead conveyor (a main long automobile body transferring line); column 9, lines 21 through 24. As discerned from the reference (Fig. 10), travel carriages Tr (transferring carriages) travel a first closed loop (zones ABCDE, turntables 90,91,92, and 93, zones IJKLMA, and turntables 102,103) and trolleys 86 (suspension frames or means) travel an overhead second closed loop (zones EFGI, transporting rail 82,

[3] We understand "the units of the suspension frames transferring means" to correspond to the earlier set forth "plurality of suspension type transferring means." However, during any further prosecution before the examiner, the above disparity should be addressed.

zone E). The drop lifter 80 (transferring means) of Nokajima (Fig. 11) transfers a vehicle body between carriages (first loop) and trolleys (second loop).

The argument advanced by appellant (brief, pages 9 through 11, and reply brief, pages 2 through 5) fails to persuade this panel of the board that the examiner erred in rejecting independent claims 1 and 7. Contrary to appellant's point of view that Nokajima teaches only one line and no other line apart therefrom, we explained above that two loop lines as claimed are disclosed in the reference, and that these lines are apart from a main line. While appellant does not perceive a location at which first and second transferring lines run in parallel as claimed, we note that Fig. 11 of the reference reveals the claimed relationship.

Claim 10

This claim requires a single location and no more than a single common intersection area for transferring the automobile body from a first transferring line to a second transferring line.

According to appellant (main brief, pages 11 and 15), unlike the claimed subject matter, Nokajima discloses two transferring locations (positions E and I). As we see it, and consistent with the particular claim language at issue, Nokajima discloses only a single location and no more than a single common intersection area for transferring a vehicle body from a first transferring line to a second transferring line.

Obviousness

We do not sustain the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Nokajima in view of Yamamoto.

In appellant's view (main brief, pages 13 through 15 and reply brief, page 5), the reference teachings fail to provide motivation for their combination. We agree. As we see it, a collective assessment of the applied patents simply would not have been suggestive of the content of claim 4 to one having ordinary skill in the art. From our perspective, each of the assembly lines of the references is complete and different from one another. More specifically, while the assembly line of

Nokajima (Fig. 10) assembles a finished vehicle between positions A and M, the distinct line of Yamamoto (Fig. 10) separates a vehicle body into upper and under vehicle body sections 1, 101 for separate processing in the vehicle body assembly line CL through upper vehicle body first and second parts mounting lines LP1, LP2 (two loops), under vehicle processing line LF, and lids mounting line LE. Based upon the overall teachings of the applied patents, we do not perceive any suggestion for adding a third automobile transferring means to the assembly line of Nokajima, as proposed by the examiner. It follows that the rejection of claim 4 is not sound.

In summary, this panel of the board has sustained the anticipation rejection, but not the obviousness rejection, on appeal.

The decision of the examiner is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

IRWIN CHARLES COHEN Administrative Patent Judge	)	
LAWRENCE J. STAAB Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEFFREY V. NASE Administrative Patent Judge	)	

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